

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

YVONNE GRANT,

Civil Action File No.

Plaintiff,

5:14-CV-119

v.

WAL-MART STORES EAST, LP,

Defendant.

_____/

NOTICE OF REMOVAL

COMES NOW WAL-MART STORES EAST, LP, named Defendant in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendant WAL-MART STORES EAST, LP in the Superior Court of Baldwin County, Georgia, which is within the Macon Division of this Court. 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No. 14CV46952G. Plaintiff's claims against Defendant includes claims of negligence.

2.

Plaintiff filed the Complaint on or about February 18, 2014 . Defendant WAL-MART STORES EAST, LP received service of summons and a copy of the Complaint on February 25, 2014 . Defendant WAL-MART STORES EAST, LP files this notice of Removal within thirty (30) days after service of summons and a copy

of this Complaint.

3.

Defendant WAL-MART STORES EAST, LP is a limited partnership with its principal place of business in the State of Arkansas. Defendant WAL-MART STORES EAST, LP was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of said lawsuit, or at any time thereafter.

4.

Yvonne Grant is a citizen of the State of Georgia.

5.

Complete diversity of citizenship exists between Plaintiff and Defendant.

6.

Plaintiff claims pain and suffering, past and future medical expenses, and seeks in excess of \$75,000 in damages. Plaintiff alleges she incurred over \$10,000 in medical bills to date and demanded \$80,000 to settle this claim. (See Plaintiff's Demand Letter dated November 19, 2013). The amount in controversy, exclusive of interest and costs, exceeds \$75,000. (*Id.*)

7.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendant.

8.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendant has attached as

Exhibit "A" copies of all the pleadings that were provided to and served upon Defendant, including copies of all pleadings that have been filed to date in the Superior Court of Baldwin County, Georgia for the above-styled case.

9.

Pursuant to 28 U.S.C. § 1446, Defendant is not required to file a removal bond.

10.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

11.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the Baldwin Court of Baldwin County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendant WAL-MART STORES EAST, LP prays that the above-captioned lawsuit be removed to the United States District Court for the Middle District of Georgia, Macon Division.

s/w Albert DeCusati
Albert J. DeCusati
Georgia Bar No. 215610
Attorney for Defendants

3445 Peachtree Road, N.E.
Suite 500
Atlanta GA 30326-3240
(404) 266-9171

The undersigned counsel certifies that the foregoing Notice of Removal has been prepared with one of the font and point selections approved by the court in LR 5.1B.

s/w Albert DeCusati
Albert J. DeCusati

CERTIFICATE OF SERVICE

This is to certify that on March 25, 2014, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

s/w Albert DeCusati
Albert J. DeCusati
Georgia Bar No. 215610
Attorney for Defendants

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